

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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BEVERLY ZIMMERMAN, et al., *on behalf  
of themselves and all others similarly  
situated,*

Plaintiffs,

Case No. 1:17-cv-1062  
HON. HALA Y. JARBOU

v.

THE 3M COMPANY f/k/a Minnesota  
Mining and Manufacturing Co., et al.,

Defendants.

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**STIPULATED ORDER PERMITTING PLAINTIFFS AND DEFENDANTS TO FILE  
DAUBERT BRIEFS IN EXCESS OF THE WORD COUNT LIMIT DICTATED BY LOCAL  
CIVIL RULE 7.3(b), AND TO FILE EXHIBITS AND ATTACHMENTS TO DAUBERT  
AND SUMMARY JUDGMENT BRIEFS IN EXCESS OF THE LIMIT DICTATED BY  
LOCAL CIVIL RULE 7.1(b)**

WHEREAS, counsel for Plaintiffs, Defendants Wolverine World Wide, Inc., and Defendant 3M Company hereby stipulate as follows:

1. The Amended Case Management Order (ECF No. 260) requires all *Daubert* motions to be filed by November 12, 2021, and all dispositive motions to be filed no later than November 18, 2021 (*Id.*, PageID.7644-45.)
2. Pursuant to W.D. Mich. LCivR (“LCivR”) 7.3(b)(i), briefs filed in support of or opposition to *Daubert* motions shall not exceed four thousand three hundred (4,300) words.
3. Pursuant to LCivR 7.1(b), absent leave of court, exhibits and attachments in support of or opposition to a motion shall be limited to two hundred (200) pages per party, or

alternatively five hundred (500) pages, provided the parties meet and confer and jointly file the agreed upon exhibits and attachments.

4. This is a large, complex putative class action lawsuit involving an extensive factual record. This case is also extremely expert-heavy, and includes proffered experts in numerous fields that include, *inter alia*, epidemiology, fate and transport, medicine, hydrogeology, and economics.

5. Counsel for Plaintiffs and Defendants believe that due to the intricate factual and procedural background of the action here, an allowance for *Daubert* briefs in excess of the word count dictated by LCivR 7.3(b)(i) would facilitate a more efficient consideration of the matter at issue here.

6. Counsel for Plaintiffs and Defendants also seek permission to file exhibits and attachments in support of their *Daubert* and dispositive motion briefs in excess of the limitations set forth in LCivR 7.1(b). To illustrate for the Court's consideration, between this case and the individual-case litigation in the Kent County Circuit Court, dozens of depositions have been taken and millions of pages of documents have been produced. Although this extensive factual record will be carefully considered for inclusion as exhibits to *Daubert* and dispositive motions, it is anticipated that in light of the myriad factual and legal question that are currently before the Court in this case, these filings will warrant support by a thorough factual record.

7. The Parties' counsel have met and conferred about the foregoing, and stipulate and agree to the following, subject to the approval of the Court prior to the filing deadlines for *Daubert* and dispositive motions:

- (a) Briefs submitted in support of or opposition to *Daubert* motions shall not exceed six thousand three hundred (6,300) words, and shall comply with all other requirements set out in L. Civ. R 7.1(b);
- (b) Pursuant to L.Civ.R. 7.1(c), the 200-page limit for exhibits and attachments under L.Civ.R. 7.1(b) is increased to 500 pages per motion for the upcoming *Daubert* and Summary Judgment motions.
- (c) Pursuant to the First Amended Case Management Order (ECF No. 260, PageID.7645), dated May 27, 2021, which provides for reply briefs to any *Daubert* motions to be filed 14 days after the filing of opposition briefs, any such reply brief shall not exceed three-thousand (3,000) words, and shall comply with all other requirements set out in L.Civ.R. 7.1(b).

NOW, THEREFORE, the Parties by their respective undersigned counsel stipulate to, and respectfully request the Court enter an Order consistent with the foregoing.

**IT IS SO ORDERED.**

DATED: November 8, 2021

/s/ Hala Y. Jarbou  
HALA Y. JARBOU  
UNITED STATES DISTRICT JUDGE

So Stipulated:

/s/ Sharon S. Almonrode

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*Counsel for Defendant 3M Company*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on November 5, 2021 the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record.

/s/ Michael D. Daneker  
Michael D. Daneker